

### SCHEDULE 3

#### OTHER CONTRACTUAL TERMS

## **PART 8**

### MID-YEAR REVIEW OF ACTIVITY UNDER AGREEMENTS

#### **Mid-year reviews**

**58.**—(1) This paragraph and paragraph 59 apply where services are to be provided under the agreement from 1 April in any financial year.

(2) In this paragraph and paragraph 59, references to requirements to provide units of dental activity or units of orthodontic activity are to such requirements under the terms of the agreement giving effect to regulation 13 (units of dental activity) or 14 (units of orthodontic activity).

(3) The Relevant Body will, by 31 October in each financial year, determine the number of—

- (a) units of dental activity; or
- (b) units of orthodontic activity,

that the contractor has provided between 1 April and 30 September of that financial year based on the data provided to it by virtue of paragraph 39.

(4) Where the Relevant Body determines under sub-paragraph (3) that the contractor has, between 1 April and 30 September, provided less than 30 per cent of the total number of—

- (a) units of dental activity; or
- (b) units of orthodontic activity,

that it is required to provide in that financial year, sub-paragraph (5) will apply.

(5) Where this sub-paragraph applies, the Relevant Body may—

- (a) notify the contractor that it is concerned about the level of activity provided under the agreement in the first half of the financial year, setting out—
  - (i) the number of units of dental activity or units of orthodontic activity (as the case may be) that it has determined that the contractor has provided; and
  - (ii) the percentage of the total number of units of dental activity or units of orthodontic activity (as the case may be) required to be provided during the financial year that the number in sub-paragraph (i) represents; and
- (b) require in that notification that the contractor participate in a mid-year review of its performance in relation to the agreement with the Relevant Body.

(6) Where a mid-year review is required by the Relevant Body pursuant to sub-paragraph (5), the Relevant Body and the contractor will discuss at that review—

- (a) any written evidence the contractor puts forward to demonstrate that it has performed a greater number of units of dental activity or units of orthodontic activity during the first half of the financial year than those notified to it pursuant to sub-paragraph (5)(a)(i); and
- (b) any reasons that the contractor puts forward for the level of activity in the first half of the financial year.

(7) The Relevant Body will prepare a draft record of the mid-year review for comment by the contractor and, having regard to such comments, will produce a final written record of the review.

(8) A copy of the final record of the mid-year review will be sent to the contractor.